

REMARKS/DISCUSSION OF ISSUES

Claims 1 through 9 are pending in the application.

Claims 1 through 7 stand finally rejected under 35 USC 103(a) as being unpatentable over Hartai et al. (US patent no. 5,041,762) (hereinafter 'Hartai') in view of Opitz et al. (US patent no. 5,744,233) (hereinafter 'Opitz').

In response to Applicant's previous argument that Hartai's luminous panel is not a bulb-within-a-bulb structure because the gas-discharge channels are embedded in a matrix of a shockproof, impact resistant material, the Examiner urges that Hartai's matrix is a bulb because Webster defines a bulb as a glass envelope enclosing a light source.

However, the Examiner cannot rely on external sources such as Webster when Applicant's specification makes clear the meaning of the term. It is well-settled that Applicant is entitled to be his own lexicographer.

Fig. 1 of Applicant's specification makes clear that the outer bulb surrounds but does not contact the inner bulb. Moreover, the examples state that after the outer bulb is coated with phosphor, the outer bulb is mounted in conjunction with the inner bulb, the ballast and the starter onto a common cap in a customary manner. This teaches the skilled artisan that the outer bulb surrounds but is not in contact with the inner bulb, which is the conventional manner of mounting.

Such a conventional construction was rejected by Hartai as being unsuitable to withstand large mechanical stresses occurring in certain applications, without the need for additional expensive and complicated fittings. (See col. 1, lines 37-42). Hartai's gas-discharge channels are embedded in, i.e., in contact with the matrix. See, e.g., col. 2, lines 47

and 58. Thus, Hartai actually teaches away from the conventional bulb-within-a-bulb design claimed by Applicants.

In order to make this distinction more clear, claim 1 has been amended to call for the outer bulb to be spaced apart from the inner bulb.

In response to Applicant's previous argument that Opitz fails to teach or suggest that his phosphors would be suitable for the absorption of UV-A, the Examiner urges that the UV-A phosphors would be chosen for their good chemical, mechanical and electrical properties.

This argument of the Examiner assumes that the UV-A phosphors are identified as such by Opitz. However, this is not the case. Opitz lists many phosphors, some of which have UV-A characteristics, but this can only be discerned by reference to Applicant's own teachings, which is not permitted in judging obviousness under Section 103.

In response to Applicant's previous argument that Hartai does not teach or suggest employing a UV-A phosphor to prevent the escape of this particularly harmful component of UV radiation, while allowing visible light to be emitted by the device, the Examiner urges that Hartai teaches that some UV light is absorbed by the matrix and that additional layers can be added to remove UV light.

However, Hartai does not teach or suggest: (1) that the specific type of UV light termed UV-A light is particularly harmful and should be removed; nor (2) that phosphors could be used for this purpose; nor (3) that any specific phosphors could be used for this purpose.

Thus, the combination of Hartai and Opitz fails to suggest or render unpatentable a gas discharge lamp with a

bulb-within-a-bulb construction and a UV-A phosphor on the outer bulb, as set forth in claim 1.

Without conceding the patentability per se of the remaining dependent claims, these claims are nevertheless patentable by virtue of their dependency on claim 1.

Accordingly, it is urged that the rejection of claims 1 through 7 under 35 USC 103(a) as being unpatentable over Hartai in view of Opitz is in error, and should be withdrawn.

Claims 1, 2 and 4-9 are rejected under 35 USC 103(a) as being unpatentable over newly cited Soules et al. (US patent 5,959,405) (herein 'Soules') in view of Opitz.

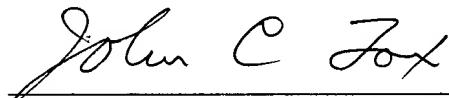
Soules discloses a fluorescent lamp having the conventional bulb-within-a-bulb construction, and having a phosphor coating 21 on the inner surface of the outer bulb. There is no teaching or suggestion that the phosphor should be of any particular type, and certainly not a UV-A phosphor.

The Examiner again relies upon Opitz to supply the teaching regarding the UV-A phosphor. However, as already pointed out, Opitz merely provides a list of phosphor compositions useful for the emission of visible light and having good chemical, mechanical and optical properties. Opitz provides no guidance to the skilled artisan which would motivate the choice of a particular phosphor from among the disclosed list having UV-A characteristics. Such motivation could only be provided by hindsight gained from Applicant's own teachings, which hindsight is prohibited in judging obviousness under Section 103.

Accordingly, it is urged that the rejection of claims 1, 2 and 4-9 under 35 USC 103(a) as being unpatentable over Soules in view of Opitz is in error, and should be withdrawn.

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in cursive script that reads "John C. Fox".

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